

EXHIBIT 4

Exhibit 4 to Declaration of John Soumilas, Esq. in Support of Plaintiff's Motion to Certify Class
Larson v. Trans Union, LLC, No. 12-cv-05726

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RONALD J. MILLER, on behalf : Civil Action
of himself and all others :
similarly situated, :
Plaintiff, : No. 12-1715
-v- :
TRANS UNION, LLC, :
Defendant. : CLASS ACTION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BRIAN DOUGLAS LARSON, on : Case No.
behalf of himself and all :
others similarly situated, :
Plaintiff, :
-v- :
: :
TRANS UNION, LLC, :
Defendant. : 3:12cv-05726

CONFIDENTIAL DEPOSITION

Videoconference deposition of BRIAN THACKREY,
taken in the above-entitled cause, before Gina M.
Luordo, a notary public of Cook County, Illinois, on
November 11, 2014, at 200 North LaSalle Street,
Suite 2900, Chicago, Illinois, at the time of
9:02 a.m., pursuant to Notice.

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1 Q. Anybody else?

2 A. Not that I can recall.

3 Q. What type of information did you seek to
4 obtain from Scott Doss (sic)?

5 A. Similar information, test plan.

6 Q. Did Sanil G. from Saksoft provide you with
7 any information concerning the test plan?

8 A. He did not.

9 Q. With respect to Scott Doss, did he provide
10 you with any information concerning the test plan?

11 A. Not the one I was looking for, no.

12 Q. When you say not the one you were looking
13 for, what do you mean?

14 A. He provided some, but they weren't related
15 to this particular project.

16 Q. So Mr. Doss provided some information
17 about test plans related to other projects?

18 A. Correct. And just to -- I was just going
19 to correct you. It's Voss with a V, Victor.

20 Q. Thank you. I did not hear you correctly
21 the first time. So it's V-o-s-s?

22 A. That's correct.

23 Q. I appreciate that.

24 So Mr. Voss gave you some test plan

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1 information, but it wasn't related to this project
2 that relates to the Miller and Larson cases,
3 correct?

4 A. That's correct.

5 Q. And Sanil G. from Saksoft just didn't get
6 back to you, or why didn't he provide you with any
7 test plan information?

8 A. From what I recall, he didn't get back to
9 me. I didn't see a response.

10 Q. Did you find what you were looking for
11 from other source other than Mr. Voss or Sanil G.?

12 A. I did not.

13 Q. Did you look for a test plan?

14 A. I did, but I was not able to find it.

15 Q. And when we talk about a test plan, are we
16 talking about a particular type of document?

17 A. Correct. It would -- I think I answered
18 your question. I'll let you ask the next one.

19 Q. Is it the type of document that would
20 outline quality control testing for a new computer
21 program such as the one used to roll out the online
22 file disclosure for OFAC at Trans Union around
23 September of 2011?

24 A. That's correct.

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1 Q. And is it correct that you have not been
2 able to identify any such document which would
3 outline such a testing plan for that particular
4 program?

5 MR. NEWMAN: Objection. Object to form of the
6 question. Go ahead. You can answer.

7 THE WITNESS: I was not able to find the
8 document.

9 BY MR. SOUMILAS:

10 Q. Are you sure that such a document ever
11 existed?

12 A. I'm pretty sure it did exist.

13 Q. And why do you say that, Mr. Thackrey?

14 A. That's a part of our process to create a
15 test plan, so my memory serves that there would
16 have been one. It's just a question of where it's
17 located at this point.

18 Q. Through today, am I correct that you have
19 not been able to locate this document with a test
20 plan for the OFAC online file disclosure project?

21 A. That's correct.

22 Q. Is it the usual practice at Trans Union
23 that when a new computer program is rolled out, a
24 test plan should be created?

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1 materials.

2 Q. And that's a deposition that Mr. Katz had
3 given, I believe, in the Larson case earlier in the
4 year?

5 A. I believe so.

6 Q. Anything else other than that transcript
7 that we have not gone over so far today?

8 A. No, I believe that covers it.

9 Q. And I think we went through who you
10 communicated with and the records you reviewed.
11 Did you do anything else other than what you've
12 testified about already to prepare to give
13 testimony today?

14 A. No, that's all.

15 Q. Just a few follow-ups based on what you
16 said earlier. You said you have worked with Sanil
17 G. of Saksoft, correct?

18 A. That's correct.

19 Q. Where is Saksoft located?

20 A. Well, the majority of the resourcing is in
21 Chennai, India. Sanil specifically is in
22 California.

23 Q. So Sanil G. is located where specifically
24 in California?

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1 resources for Saksoft or onshore?

2 A. It would have been done with a mix mostly
3 offshore with the guidance and oversight with Sanil
4 being in California.

5 Q. Do you know who specifically wrote the
6 computer code related to the online OFAC disclosure
7 that went online in the September 2011 time frame?

8 A. I don't know specifically the resource's
9 name, no.

10 Q. Do you know whether it was Sanil himself
11 or one of his offshore resources, as you put it, in
12 Chennai, India?

13 A. It would have been an offshore source
14 resource in Chennai.

15 Q. But you don't know who that person is to
16 this day, correct?

17 A. I don't recall the named resource, no.

18 Q. Who is Natalia?

19 A. Can you provide a last name to make sure I
20 answer appropriately?

21 Q. I don't know that I know the last name,
22 but Natalia was referenced in one of the e-mails
23 that I reviewed. The context is that if something
24 will be handled by Saksoft overnight and

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1 issue, and this e-mail is the result of this
2 conversation with Sanil and my conversation with
3 Dave wanting to understand it.

4 Q. So is it accurate to say that a code that
5 was written by someone at Saksoft led to the defect
6 on the online OFAC disclosures in the September and
7 October 2011 time frame?

8 A. Yes, that's correct.

9 Q. And Mr. Holm wanted to know what
10 specifically that code was that led to the defect?

11 A. Yes. He was wanting an explanation of,
12 you know, the issue and the logic issue there.

13 Q. So do I understand that you went to
14 Sanil G. and said could you please show us the old
15 logic which led to the defect and the new logic
16 that fixed it?

17 A. That's correct.

18 Q. And is that what we see here in the e-mail
19 that we have as Thackrey 1?

20 A. Yes, that's correct.

21 Q. Is the old logic that we see in this
22 e-mail the two lines of code that led to the
23 defect?

24 A. Yes. Based on the conversation with

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1 Sanil, that's my understanding.

2 Q. So do you know how long this code was
3 related specifically to the online OFAC disclosure
4 project?

5 A. Can you maybe rephrase that?

6 Q. I'm trying to figure out whether there
7 was, you know, 6,000 lines of code and the two
8 lines that led to the error are what we see here as
9 old logic or whether there was just five lines of
10 code or two lines of code and that's the error?

11 A. I'm not sure that I could speak to the
12 quantity of lines of code. This was a snippet, but
13 I couldn't tell if it's the quantity.

14 Q. That's what I'm trying to figure out, so
15 how big of a snippet is it? Is it a very small
16 fraction of a code, or is it the entire code that
17 led to the error? What can you tell us about that?

18 MR. NEWMAN: Objection. The question is vague
19 and ambiguous. You can answer if you understand
20 it.

21 THE WITNESS: Can you restate that? I'm sorry.

22 BY MR. SOUMILAS:

23 Q. Yes. You used the word snippet in your
24 previous response. You said it's a snippet of a

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1 MR. NEWMAN: Objection. You can answer.

2 THE WITNESS: That's correct.

3 BY MR. SOUMILAS:

4 Q. Do you know who Eric Keating is?

5 A. Yes.

6 Q. Who is that?

7 A. Eric Keating at this point in time would
8 have been the CRS production support manager.

9 Q. And where would Mr. Keating's office be?

10 A. His office is also at corporate at 555
11 West Adams.

12 Q. In the late October 2011 time frame, do
13 you ever recall Mr. Keating advising you that the
14 OFAC header is confusing to the consumer and has
15 resulted in multiple calls from consumers to the
16 call center?

17 MR. NEWMAN: Objection. Go ahead.

18 THE WITNESS: I recall one e-mail exchange
19 where he said there were some phone calls.

20 BY MR. SOUMILAS:

21 Q. Do you recall Mr. Keating telling you and
22 others that this display of the OFAC header was
23 confusing to consumers?

24 MR. NEWMAN: Objection. You can answer.

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1 of feedback. I guess I'm torn to answer that one.

2 BY MR. SOUMILAS:

3 Q. Do you believe that at any point in the
4 phase of trying to correct this defect it came to
5 your attention by anyone that this was a severe
6 problem that needed to be attended to immediately?

7 MR. NEWMAN: Objection. Argumentative. You
8 can answer.

9 THE WITNESS: As I stated in the previous
10 question, there was some communication a month
11 after that would lead us to believe it needed
12 remedy.

13 BY MR. SOUMILAS:

14 Q. Was that communication from the office of
15 Denise Norgle?

16 A. By the time Denise had reached out, that
17 was actually after we had identified and were
18 fixing the issues, so I wouldn't say Denise was the
19 trigger for us to react quickly.

20 Q. With respect to those defects that have
21 not actually gone out into production, but which
22 were caught in the quality control part of the
23 operation, how many such defects per year on the
24 average have you seen during your years at Trans

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1 Union?

2 A. Those that did not reach production?

3 Q. Yes, sir.

4 A. So it sounds like you're asking about
5 defect rate maybe. I don't know that I could
6 quantify that.

7 Q. Well, you said approximately five or less
8 than five per year, in your judgment, had reached
9 production, correct?

10 A. That's correct.

11 Q. Could you put a number on similar defects,
12 whether severe or nonsevere, that were addressed
13 before they ever reached production?

14 A. I don't know that I could quantify that.

15 Q. Mr. Newman also asked you about test
16 subjects during his examination. Do you recall
17 that?

18 A. Yes.

19 Q. And were these test subjects that you
20 think were run before September 22, 2011?

21 A. Yes, that's correct.

22 Q. How many total were there?

23 A. I would say probably -- and this is a
24 guess. Like I say, I didn't review the test plan

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1 once again in preparation. Probably a handful,
2 five maybe.

3 Q. And based on your best guess of five, how
4 many of those had an actual OFAC hit, and how many
5 were tested knowing that there was no OFAC hit?

6 A. I would say it would probably be about
7 50/50, so a couple that had hits and a couple that
8 did not have hits.

9 Q. Who specifically tested those subjects?
10 Was it Trans Union, or was it Sanil G. at Saksoft?

11 A. I believe it would have been Saksoft.

12 Q. Do you know whether Saksoft would have
13 also actually -- strike that question.

14 MR. SOUMILAS: I don't have anything further.
15 Thank you very much.

16 MR. NEWMAN: I have no further questions
17 either.

18 MR. SOUMILAS: I would ask the court reporter
19 to please attach to the transcript all of the
20 exhibits that we referenced, including Garst 1
21 through 6 and Thackrey 1.

22 - - -

23 (Whereupon, the deposition
24 concluded at 11:04 a.m.)

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4 I, GINA M. LUORDO, a notary public within
5 and for the County of Cook County and State of
6 Illinois, do hereby certify that heretofore,
7 to-wit, on November 11, 2014, personally appeared
8 before me, at 200 North LaSalle Street, Suite 2900,
9 Chicago, Illinois, BRIAN THACKREY, in a cause now
10 pending and undetermined in the United States
11 District Court, Northern District of California,
12 San Francisco Division, wherein RONALD J. MILLER,
13 et al. are the Plaintiffs, and TRANS UNION, LLC is
14 the Defendant.

15 I further certify that the said BRIAN
16 THACKREY was first duly sworn to testify the truth,
17 the whole truth and nothing but the truth in the
18 cause aforesaid; that the testimony then given by
19 said witness was reported stenographically by me in
20 the presence of the said witness, and afterwards
21 reduced to typewriting by Computer-Aided
22 Transcription, and the foregoing is a true and
23 correct transcript of the testimony so given by
24 said witness as aforesaid.

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1 I further certify that the signature to
2 the foregoing deposition was not waived by counsel
3 for the respective parties.

4 I further certify that the taking of this
5 deposition was pursuant to notice and that there
6 were present at the deposition the attorneys
7 hereinbefore mentioned.

8 I further certify that I am not counsel
9 for nor in any way related to the parties to this
10 suit, nor am I in any way interested in the outcome
11 thereof.

12 IN TESTIMONY WHEREOF: I have hereunto set
13 my hand and affixed my notarial seal this 12th day
14 of November, 2014.

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20 NOTARY PUBLIC, COOK COUNTY, ILLINOIS

21 LIC. NO. 084-004143

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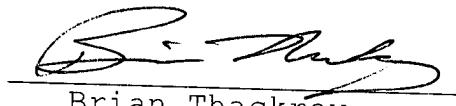
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1 SIGNATURE PAGE
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4

5 I hereby acknowledge that I
6 have read the foregoing transcript, dated
7 November 11, 2014, and the same is a true and
8 correct transcription of the answers given by
9 me to the questions propounded, except for
10 the changes, if any, noted on the errata
11 sheet.
12 - - -
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SIGNATURE:

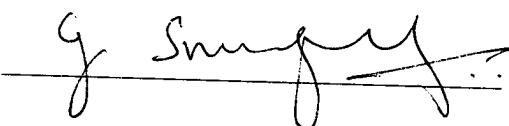


Brian Thackrey

DATE:

12-1-2014

WITNESSED BY:



24

ERRATA SHEET

Attach to Deposition of: Brian Thackrey
Taken on: November 11, 2014
Case: Miller/Larson v. Trans Union, LLC

Page:Line	Change
35:13	Delete "if it's"
72:18	Change "issues" to "issue"

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Brian Thackrey